



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**WESTERN REGIONAL OFFICE**

436 Dwight Street • Springfield, Massachusetts 01103 • (413) 784-1100

DEVAL L. PATRICK  
Governor

TIMOTHY P. MURRAY  
Lieutenant Governor

IAN A. BOWLES  
Secretary

LAURIE BURT  
Commissioner

March 10, 2009

Ida McDonnell, CAP  
USEPA Region 1  
1 Congress Street – Suite 1100  
Boston, Massachusetts 02114-2023

Re: FINAL OPERATING PERMIT  
**Appl. #1-O-08-019; Trans. # W063910**

At: Agri-Mark, Inc.  
958 Riverdale Street  
West Springfield, MA 01089

Dear Ms. McDonnell:

In accordance with 310 CMR 7.00 – APPENDIX C (6) of the Air Pollution Control Regulations ("the Regulations"), the Department of Environmental Protection ("MassDEP") is forwarding to EPA the attached Final Operating Permit Renewal for the Agri-Mark, Inc. facility located in West Springfield, Massachusetts.

Public notice of the Draft Operating Permit was published by MassDEP in the Springfield Union News / Sunday Republican on September 30, 2008 and in the Environmental Monitor on October 8, 2008, in accordance with the requirements of 310 CMR 7.00: Appendix C. As such, the public comment period ended on November 7, 2008. During that period, no public hearing was requested pursuant to 310 CMR 7.00: Appendix C (6)(f). Several minor comments were received from MassDEP, which were incorporated into the Proposed Operating Permit.

On November 14, 2008 MassDEP forwarded to EPA Region 1, via electronic mail, the Proposed Operating Permit for this facility. EPA did not object or comment on the Proposed Operating Permit, nor did EPA receive a petition to object to the Proposed Operating Permit within the regulatory deadlines. Therefore, MassDEP is issuing the Final Operating Permit.



The attached Final Operating Permit contains all of the federal and state air pollution control requirements, to which the facility is subject, and the terms and conditions for compliance with such applicable requirements.

If you have any questions concerning this Final Operating Permit, please contact Brad Palkovic at (413) 755-2283.

Sincerely,

This final document copy is being provided to you electronically by the  
Department of Environmental Protection. A signed copy of this document  
is on file at the DEP office listed on the letterhead.

---

Marc Simpson  
Permit Chief  
Western Region

BWP/bwp

cc; Scott Werme, Plant Manager  
Agri-Mark, Inc.  
958 Riverdale Street  
West Springfield, MA 01089

Ecc: Karen Regas, MassDEP, Boston  
Yi Tian, MassDEP, Boston

Roberta Baker, MassDEP, WERO  
Peter Czapienski, MassDEP, WERO



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## AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("MassDEP") pursuant to its authority under M.G.L. c. 111, §142B and §142D, 310 CMR 7.00 et seq., and in accordance with the provisions of 310 CMR 7.00: Appendix C.

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**ISSUED TO [ "the Permittee" ]:**

Agri-Mark, Inc.

**INFORMATION RELIED UPON:**

Application No.: 1-O-08-019

Transmittal No.: W063910

**FACILITY LOCATION:**

Agri-Mark, Inc.

958 Riverdale Street

West Springfield, MA 01089

**FACILITY IDENTIFYING NUMBERS:**

AQ ID NO.: 0420788

FMF FAC NO.: 119081

FMF RO NO.: 161094

**NATURE OF BUSINESS:**

(SIC):

Producer of Various Dairy Products

**STANDARD INDUSTRIAL CODE**

2021, 2023, 2026 – Dry, condensed and evaporated dairy products

**RESPONSIBLE OFFICIAL:**

Name: Scott Werme

Title: Plant Manager

**FACILITY CONTACT PERSON:**

Name: Jeff Bryan

Title: Chief Engineer

Phone: (413) 732-4168

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**This operating permit shall expire on March 10, 2014**

For the Department of Environmental Protection

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

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Michael Gorski  
Regional Director  
Department of Environmental Protection

**3/13/2009**

Date

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD# 866-539-7622 or 617-574-6868.

DEP on the World Wide Web: <http://www.mass.gov/dep>



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Western Regional Office

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## SPECIAL CONDITIONS FOR OPERATING PERMIT

A legend to abbreviated terms found in the following tables is located in Section 28 of this Operating Permit.

### 1. PERMITTED ACTIVITIES

In accordance with the provisions of 310 CMR 7.00: Appendix C and applicable rules and regulations, the Permittee (hereinafter "Agri-Mark") is authorized to operate the air emission units as shown in Table 1 and exempt and insignificant activities as described in 310 CMR 7.00: Appendix C(5)(h) and (i). The units described in Table 1 are subject to the terms and conditions shown in Sections 4, 5, and 6 and to other terms and conditions as specified in this permit. Emissions from the exempt activities shall be included in the total facility emissions for the emission-based portion of the fee calculation described in 310 CMR 4.00 and this permit.

### DESCRIPTION OF FACILITY AND OPERATION

Agri-Mark is located at 958 Riverdale Street, West Springfield, Massachusetts. The plant manufactures five principle dairy products including heavy sweet cream, nonfat dry powder, butter, skim milk, and condensed skim milk. The plant processes milk from farms in both New England and New York. The plant has two (2) natural gas / fuel oil fired boilers, a gas fired spray dryer with two (2) integral baghouses, an allied parts cleaner and ancillary support operations and equipment. The Facility is not major for Hazardous Air Pollutants (HAP). Compliance Assurance Monitoring (CAM) does not apply since the baghouses (food grade) are an integral part of the process, and they are defined as "inherent process equipment" instead of control devices under Part 64.

### 2. EMISSION UNIT IDENTIFICATION

The following emission units (Table 1) are subject to and regulated by this operating permit:

Table 1			
EU #	DESCRIPTION OF EU	EU DESIGN CAPACITY	Pollution Control Device (PCD)
EU 1	Cleaver Brooks Boiler	25.1 MMBtu/hr	None
EU 2	Cleaver Brooks Boiler	25.1 MMBtu/hr	None
EU 3	Damrow Spray Dryer	15 MMBtu/hr; 12,500 lb/hr (dry product)	2 Baghouses
EU 4	Allied Parts Cleaner	N/A	None

### **3. IDENTIFICATION OF EXEMPT ACTIVITIES**

The following are considered exempt activities in accordance with the criteria contained in 310 CMR 7.00: Appendix C(5)(h):

<b>Table 2</b>	
Description of Current Exempt Activities	Reason
The list of current exempt activities is contained in the Operating Permit application and shall be updated by the Permittee to reflect changes at the facility over the permit term. An up-to-date copy of exempt activities list shall be kept on-site at the facility and a copy shall be submitted to MassDEP's Regional Office. Emissions from these activities shall be reported on the annual emissions statement pursuant to Regulation 310 CMR 7.12.	310 CMR 7.00:Appendix C(5)(h)

#### 4. APPLICABLE REQUIREMENTS

- A. EMISSION LIMITS AND RESTRICTIONS - The permittee is subject to the emission limits / restrictions as contained in Table 3:

Table 3					
EU#	Fuel or Raw Material	Restrictions	Pollutant	Emission Limit/Standards	Applicable Regulation and/or Approval No.
EU 1 EU 2	Natural gas (primary)	$\leq 124,620$ gallons of No. 6 fuel oil during any calendar month	PM <sup>(1)</sup>	0.10 lb/MMBtu	310 CMR 7.02(8)
			NO <sub>x</sub>	N/A	310 CMR 7.19(6)
	No. 6 fuel oil (secondary)	$\leq 1,000,000$ gallons of No. 6 fuel oil during any rolling 12 consecutive calendar month period per Approval #PV-86-C-006  Only one boiler may be operated on oil at any given time per Approval #PV-86-C-006	Smoke	No. 1 of the Chart no more than 6 minutes during any one hour, at no time to exceed No. 2 of the Chart	310 CMR 7.06(1)(a)
			Opacity	$\leq 20\%$ , except 20 to $\leq 40\%$ for $\leq 2$ minutes during any one hour	310 CMR 7.06(1)(b)
			Sulfur in fuel	Not to exceed 1% or 0.55 pounds per MMBtu heat release potential	Approval #PV-86-C-006; 310 CMR 7.05(1)(a)(1)
EU 3	Natural gas, skim milk or milk concentrate	$\leq 12,500$ pounds powder produced per hour per Approval #1-P-99-032  $\leq 620$ hours during any calendar month	PM <sup>(1)</sup>	$\leq 3.0$ lb/hr	Approval #1-P-99-032
			Smoke	No. 1 of the Chart no more than 6 minutes during any one hour, at no time to exceed No. 2 of the Chart	310 CMR 7.06(1)(a)
		$\leq 7,280$ hours of operation during any rolling 12 consecutive calendar month period per Approval #1-P-99-032	Opacity	$\leq 10\%$ opacity	Approval #1-P-99-032
EU 4	petroleum naphtha solvent	Solvent usage rate not to exceed 100 gal/month per degreaser	VOC	N/A	310 CMR 7.03(8) 310 CMR 7.18(1) 310 CMR 7.18(8)

Note: **(1)** Particulate matter as measured according to the applicable procedures specified in 40CFR 60 Appendix A, Method 5, based on a one-hour average.



- B. COMPLIANCE DEMONSTRATION – The permittee is subject to the monitoring, testing, record keeping, and reporting requirements as contained in Tables 4, 5, and 6 below and 310 CMR 7.00 Appendix C (9) and (10) and applicable requirements as contained in Table 3, unless otherwise specified below.

Table 4	
EU #	MONITORING/TESTING REQUIREMENTS
EU 1 EU 2	<p>Agri-Mark shall</p> <ol style="list-style-type: none"> <li>1) In accordance with 310 CMR 7.04(4)(a), inspect and maintain the facility in accordance with the manufacturers recommendations and tested for efficient operation at least once each calendar year.</li> <li>2) In accordance with 310 CMR 7.19(6), tune EU 1 and EU 2 annually according to the procedures listed in 310 CMR 7.19(6)(a)1 through 7.19(6)(a)12. At least once per month, verify that the settings determined during the tune-up have not changed.</li> <li>3) In accordance with 310 CMR 7.00 Appendix C(9)(b), monitor sulfur content of each new shipment of No. 6 fuel oil received. Compliance with the percent sulfur in fuel requirements can be demonstrated by maintaining a shipping receipt from the fuel supplier (shipping certification) or through testing (testing certification). The shipping receipt certification or testing certification of sulfur content of No. 6 fuel oil shall document that the testing has been conducted in accordance with the applicable ASTM test methods: (for sulfur D129-64, D1072-56, D12266-67, D1552-83, D2622-87, D4294-90) or any other method approved by MassDEP and EPA.</li> <li>4) In accordance with 310 CMR 7.00 Appendix C(9)(b) and Approval No. PV-86-C-006, monitor consumption of No. 6 fuel oil on a monthly basis using fuel delivery records and/or fuel flow meters. Agri-Mark shall maintain complete, up-to-date summaries of fuel use, clearly documenting compliance with both the monthly and rolling 12 month total specified in Table 3.</li> </ol>
EU 3	<p>Agri-Mark shall</p> <ol style="list-style-type: none"> <li>5) In accordance with 310 CMR 7.04(4)(a), inspect and maintain the facility in accordance with the manufacturers recommendations and tested for efficient operation at least once each calendar year.</li> <li>6) In accordance with Approval No. 1-P-99-032, dated 10/1/99 monitor each baghouse with a broken bag detector. Said detectors shall be calibrated and maintained regularly in accordance with the manufacturer's recommendations, but in no case shall they be calibrated less than once per calendar year.</li> <li>7) In accordance with Approval No. 1-P-99-032, monitor the pressure drop across each baghouse using a Magnahelic differential pressure gauge, or an equivalent device, to determine compliance with the pressure drop range stated in Special Condition, Table 8, EU3 (3) of this Permit.</li> </ol>

Table 4 (continued)	
EU#	MONITORING/TESTING REQUIREMENTS
EU 4	<p>Agri-Mark shall</p> <p><b>8)</b> In accordance with 310 CMR 7.18(8)(h), upon request of MassDEP, perform or have performed tests to demonstrate compliance with 310 CMR 7.18(8).</p>
Facility Wide	<p>Agri-Mark shall</p> <p><b>9)</b> In accordance with 310 CMR 7.13, if and when MassDEP determines that Emission Compliance Testing (Stack Testing) is necessary to ascertain compliance with MassDEP's regulations or design approval provisos, cause such stack testing: a) to be conducted by a person knowledgeable in stack testing, b) to be conducted in accordance with procedures contained in a test protocol approved by MassDEP, c) to be conducted in the presence of a representative of MassDEP when such is deemed necessary.</p> <p><b>10)</b> In accordance with 310 CMR 7.13(2), if and when MassDEP determines that stack testing (to ascertain the mass emission rates of air contaminants emitted under various operating conditions) is necessary for the purposes of regulation enforcement or determination of regulation compliance, cooperate with MassDEP to provide: a) entrance to a location suitable for stack sampling, b) sampling ports at locations where representative samples may be obtained, c) staging and ladders to support personnel and equipment for performing tests, d) a suitable power source at the sampling location for the operation of sampling equipment, and e) such other reasonable facilities as may be requested by MassDEP.</p> <p>Stack Testing shall be conducted in accordance with 310 CMR 7.13, and 40 CFR Part 60, Appendix A (Method 7 for oxides of nitrogen (NO<sub>x</sub>), Method 6 for sulfur dioxide (SO<sub>2</sub>), Method 10 for carbon monoxide (CO), Methods 1 to 5 for PM, Method 3A for Oxygen (O<sub>2</sub>), Method 9 for opacity, or by any other test method approved by MassDEP or EPA). Prior to Stack Testing, appropriate testing ports shall be constructed so as to accommodate the requirements as stipulated in 40 CFR Part 60, Appendix A.</p> <p><b>11)</b> In accordance with 310 CMR 7.12, monitor operations such that information may be compiled for the annual preparation of a Source Registration/Emission Statement Form.</p>

Table 5	
EU #	RECORDKEEPING REQUIREMENTS
EU 1 EU 2	<p>Agri-Mark shall</p> <ol style="list-style-type: none"> <li>1) In accordance with 310 CMR 7.04(4)(a), inspect and maintain these emission units in accordance with the manufacturer's recommendations and test them for efficient operation at least once each calendar year. The results of said inspection, maintenance, and testing and date, which it was performed, shall be recorded and posted conspicuously on or near the EU(s).</li> <li>2) In accordance with 310 CMR 7.00 Appendix C(9)(b), keep records of its consumption of No. 6 fuel oil on a monthly basis. Agri-Mark shall maintain complete, up-to-date summaries of fuel use, clearly documenting compliance with both the monthly and rolling 12-month total specified in Table 3. In addition, Agri-Mark shall keep sufficient records to demonstrate that only one boiler has operated while burning oil at any given time.</li> <li>3) In accordance with 310 CMR 7.19(6)(b), maintain records for five years of each annual boiler tune-up, including: <ol style="list-style-type: none"> <li>a. Date of tune-up;</li> <li>b. Person conducting tune-up;</li> <li>c. O<sub>2</sub>/CO (for gas) and/or O<sub>2</sub>/ smoke spot (for oil) correlations obtained during tune-up;</li> <li>d. Boiler and burner manufacturers' recommended set points;</li> <li>e. Final boiler set points as result of tune-up;</li> <li>f. Normal boiler and burner maintenance records; and</li> <li>g. Records of monthly verifications that the settings determined during the tune-up have not changed.</li> </ol> </li> <li>4) In accordance with 310 CMR 7.05 and 310 CMR: Appendix C(10)(b), maintain records on site of the percent by weight of sulfur of the No. 6 fuel oil.</li> <li>5) In accordance with Approval Nos. PV-82-C-015, dated 9/30/82 and PV-85-BR-006, dated 8/15/85 the standard operating and maintenance procedures shall be permanently affixed on or near the operating controls for the boilers.</li> </ol>
EU 3	<p>Agri-Mark shall</p> <ol style="list-style-type: none"> <li>6) In accordance with 310 CMR 7.04(4)(a), record the results of each annual inspection, maintenance, and testing and the date on which it was performed. Such records shall be posted conspicuously on or near the EU(s).</li> <li>7) In accordance with Approval No. 1-P-99-032, dated 10/1/99: <ol style="list-style-type: none"> <li>a. for each alarm by a broken bag detector, record in a logbook the date and time of the alarm, which baghouse corresponded to the alarm, the reason(s) for the alarm, and the length of elapsed time before the problem that caused the alarm was corrected;</li> <li>b. keep records of any maintenance or repairs performed on the baghouses, including, but not limited to, the replacement of bags;</li> <li>c. keep records of the locations of any broken bags</li> <li>d. keep records of any maintenance, repairs, or calibrations performed on the broken bag detectors; and</li> <li>e. keep as records the dryer operating logs.</li> </ol> </li> <li>8) In accordance with Approval No. 1-P-99-032, record, in a logbook, the pressure drop across each baghouse at least once per day of operation.</li> </ol>

Table 5 (continued)	
EU#	RECORD KEEPING REQUIREMENTS
EU 3	<p>Agri-Mark shall</p> <p><b>10)</b> In accordance with 310 CMR 7.00 Appendix C(9)(b), keep records of the operating hours and production rate of EU 3 in sufficient detail to demonstrate compliance with the production rate limitation, monthly operational limit, and rolling 12-month operational limit specified in Table 3.</p> <p><b>11)</b> In accordance with Approval No. 1-P-99-032, dated 10/1/99 establish and continue an on-site recording system. All records shall be maintained up-to-date such that year-to-date information is readily available for MassDEP examination. Recordkeeping shall, at a minimum, include a record of all malfunctions including, at a minimum: the date and time the malfunction occurred; a description of the malfunction and the corrective action taken; the date and time corrective actions were initiated; and the date and time corrective actions were completed and the facility returned to compliance.</p>
EU 4	<p>Agri-Mark shall</p> <p><b>12)</b> In accordance with 310 CMR 7.03(6), establish and maintain a recordkeeping system on-site and in sufficient detail to document the date of construction, substantial reconstruction or alteration and that the respective emission rates pursuant to 310 CMR 7.03 are not exceeded.</p>
Facility Wide	<p>Agri-Mark shall</p> <p><b>13)</b> In accordance with 310 CMR 7.00 Appendix C(10)(b), maintain records of all monitoring data and supporting information on-site for a period of at least five years from the date of the monitoring sample, measurement, report or initial operating permit application.</p> <p><b>14)</b> In accordance with 310 CMR 7.12(3)(b), retain copies of Source Registration and other information supplied to the Department to comply with 310 CMR 7.12 for five years from the date of submittal.</p>

Table 6	
EU #	REPORTING REQUIREMENTS
EU 3	<p>Agri-Mark shall</p> <p>1) In accordance with Approval No. 1-P-99-032, dated 10/1/99 notify MassDEP's Regional Office by telephone or fax as soon as possible after the occurrence of any upsets or malfunctions to the facility equipment, air pollution control equipment, or monitoring equipment which result in an excess emission to the air and a condition of air pollution.</p>
EU 4	<p>Agri-Mark shall</p> <p>2) In accordance with 310 CMR 7.03(5) report to MassDEP any construction, substantial reconstruction or alteration, as described in 310 CMR 7.03, on the next required source registration.</p>
Facility Wide	<p>Agri-Mark shall</p> <p>3) In accordance with 310 CMR 7.13(1) and 310 CMR 7.13(2), if and when MassDEP has determined that stack testing is necessary to ascertain compliance with MassDEP's regulations or design approval provisions, cause such stack testing to be summarized and submitted to MassDEP with analysis and report within such time as agreed to in the approved test protocol.</p> <p>4) In accordance with 310 CMR 7.12, submit a Source Registration/Emission Statement form to MassDEP on an annual basis.</p> <p>5) In accordance with 310 CMR 7.00 Appendix C(5)(b)9, submit annually a certification that the facility is maintaining the required records to assure the facility is in compliance with the applicable requirements designated in this permit. <b>(See Provision 10 in "GENERAL CONDITIONS FOR OPERATING PERMIT")</b>.</p> <p>6) In accordance with 310 CMR 7.00 Appendix C(10)(a), submit to MassDEP any record relevant to this operating permit or to the emissions of any air contaminant from the facility within 30 days of the request by MassDEP or EPA.</p> <p>7) In accordance with 310 CMR 7.00 Appendix C(10)(c), submit to MassDEP two compliance summaries, one by January 30 for the time period July – December of the previous calendar year, and the other by July 30 for the time period January – June of the current calendar year. <b>(See Provision 10 in "GENERAL CONDITIONS FOR OPERATING PERMIT")</b></p> <p>8) In accordance with 310 CMR 7.00 Appendix C(10)(f), report to MassDEP's Regional Bureau of Waste Prevention all instances of deviations from permit requirements. <b>(See Provision 25 in "GENERAL CONDITIONS FOR OPERATING PERMIT")</b>.</p>

C. GENERAL APPLICABLE REQUIREMENTS - The permittee shall comply with all generally applicable requirements contained in 310 CMR 7.00 et. seq. and 310 CMR 8.00 et. seq., when subject.

D. REQUIREMENTS NOT CURRENTLY APPLICABLE - The permittee is currently not subject to the following requirements:

Table 7	
Regulation	Reason
310 CMR 7.16: Reduction of Single Occupant Commuter Vehicle Use	Facility employs fewer than 250 employees
310 CMR 7.25: Consumer and Commercial Products	Not Applicable
42 U.S.C. 7401, §112 (r): Prevention of Accidental Release	Facility does not store, use or process any of the listed compounds in quantities greater than thresholds.
42 U.S.C.7401, § 601: Stratospheric Ozone	Not Applicable
40 CFR Part 63, Subpart T: National Emission Standards for Halogenated Solvent Cleaning	Facility does not use halogenated solvents in its solvent cleaning machine.
40 CFR Part 64: Compliance Assurance Monitoring	Not Applicable

## 5. SPECIAL TERMS AND CONDITIONS

The permittee is subject to the following special provisions that are not contained in Tables 3, 4, 5, and 6:

Table 8							
EU #	Special Terms and Conditions						
EU 1 EU 2	<p>Agri-Mark shall</p> <p>1) In accordance with Approval No. PV-86-C-006, dated 7/30/86, ensure that the exhaust gases from EU 1 and EU 2 shall vent through a stack having an overall height above ground not less than 100 feet and exit diameter of 36 inches.</p>						
EU 3	<p>Agri-Mark shall</p> <p>2) In accordance with Approval No. PV85-IF-018, dated 9/25/85 continue to vent the exhaust gases from EU 3 through a stack having the following parameter:</p> <table> <tr> <td>Stack Height (feet):</td><td>82 feet above ground level and 9 feet above roof level</td></tr> <tr> <td>Stack Exit Diameter (inches):</td><td>66</td></tr> <tr> <td>Exit Temperature:</td><td>80 to 160 °F</td></tr> </table> <p>3) In accordance with Approval No. 1-P-99-032, dated 10/1/99, if the pressure drop across either Amerex baghouse serving EU 3 is:</p> <ol style="list-style-type: none"> <li>below 1 inch of water column, shut down that unit for inspection;</li> <li>above 4 inches of water column, initiate filter bag cleaning in that unit; and</li> <li>above 7 inches of water column, shut that unit down for filter bag replacement.</li> </ol>	Stack Height (feet):	82 feet above ground level and 9 feet above roof level	Stack Exit Diameter (inches):	66	Exit Temperature:	80 to 160 °F
Stack Height (feet):	82 feet above ground level and 9 feet above roof level						
Stack Exit Diameter (inches):	66						
Exit Temperature:	80 to 160 °F						
Facility Wide	<p>Agri-Mark Shall</p> <p>4) In accordance with 310 CMR 7.01(1), should any nuisance condition(s) occur as a result of the operation, take appropriate steps immediately to abate said nuisance condition(s). [State Only]</p> <p>5) In accordance with 310 CMR 7.09, shall not cause or allow emissions of odor or dust that cause or contribute to a condition of air pollution. [State Only]</p> <p>6) In accordance with 310 CMR 7.10, ensure that they do not willfully, negligently, or through failure to provide necessary equipment, service, or maintenance or take necessary precautions cause, suffer, allow, or permit unnecessary emissions from said source of sound that may cause noise. [State Only]</p>						

## **6. ALTERNATIVE OPERATING SCENARIOS**

The permittee did not request alternative operating scenarios in its operating permit application.

## **7. EMISSIONS TRADING**

### **(a) Intra-facility emission trading**

The Permittee did not request intra-facility emissions trading in its operating permit application.

Pursuant to 310 CMR 7.00: Appendix C(7)(b), emission trades, provided for in this permit, may be implemented provided the Permittee notifies the United States Environmental Protection Agency (EPA) and MassDEP at least fifteen (15) days in advance of the proposed changes and the Permittee provides the information required in 310 CMR 7.00: Appendix C(7)(b)3.

Any intra-facility change that does not qualify pursuant to 310 CMR 7.00: Appendix C(7)(b)2. is required to be submitted to MassDEP pursuant to 310 CMR 7.00: Appendix B.

### **(b) Inter-facility emission trading**

All increases in emissions due to emission trading must be authorized under the applicable requirements of 310 CMR 7.00: Appendix B (the "Emissions Trading Program") and the 42 U.S.C. §7401 et. seq. (the "Act"), and provided for in this permit.

## **8. COMPLIANCE SCHEDULE**

The Permittee has indicated that the facility is in compliance and shall remain in compliance with the applicable requirements contained in Sections 4 and 5.

In addition, the Permittee shall comply with any applicable requirements that become effective during the permit term.

## GENERAL CONDITIONS FOR OPERATING PERMIT

### **9. FEES**

The permittee has paid the permit application processing fee and shall pay the annual compliance fee in accordance with the fee schedule pursuant to 310 CMR 4.00.

### **10. COMPLIANCE CERTIFICATION**

All documents submitted to MassDEP shall contain certification by the responsible official of truth, accuracy, and completeness. Such certification shall be in compliance with 310 CMR 7.01(2) and contain the following language:

"I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The "Operating Permit Reporting Kit" is available to the Permittee via MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm>

#### (a) Annual Compliance Report and Certification

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 to MassDEP and to the Regional Administrator, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- iv. any additional information required by MassDEP to determine the compliance status of the source.



(b) Semi-Annual Monitoring Summary Report and Certification

The Responsible Official shall certify, semi-annually on the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 and July 30 to MassDEP. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;
- iv. whether there were any deviations during the reporting period;
- v. if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- vi. whether deviations in the reporting period were previously reported;
- vii. if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- viii. if the deviations in the reporting period have returned to compliance and date of such return to compliance; and
- ix. any additional information required by MassDEP to determine the compliance status of the source.

**11. NONCOMPLIANCE**

Any noncompliance with a permit condition constitutes a violation of 310 CMR 7.00: Appendix C and the Clean Air Act, and is grounds for enforcement action, for permit termination or revocation, or for denial of an operating permit renewal application by MassDEP and/or EPA. Noncompliance may also be grounds for assessment of administrative or civil penalties under M.G.L. c.21A, §16 and 310 CMR 5.00; and civil penalties under M.G.L. c.111, §142A and 142B. This permit does not relieve the permittee from the obligation to comply with any other provisions of 310 CMR 7.00 or the Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this permit.

## **12. PERMIT SHIELD**

(a) This facility has a permit shield provided that it operates in compliance with the terms and conditions of this permit. Compliance with the terms and conditions of this permit shall be deemed compliance with all applicable requirements specifically identified in Sections 4, 5, 6, and 7, for the emission units as described in the permittee's application and as identified in this permit.

Where there is a conflict between the terms and conditions of this permit and any earlier approval or permit, the terms and conditions of this permit control.

(b) MassDEP has determined that the permittee is not currently subject to the requirements listed in Section 4, Table 7.

(c) Nothing in this permit shall alter or affect the following:

- i. the liability of the source for any violation of applicable requirements prior to or at the time of permit issuance.
- ii. the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
- iii. the ability of EPA to obtain information under 42 U.S.C. §7401, §114 or §303 of the Act.

## **13. ENFORCEMENT**

The following regulations found at 310 CMR 7.02(8)(h) Table 6 for wood fuel, 7.04(9), 7.05(8), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.21, 7.22, 7.70 and any condition(s) designated as "state only" are not federally enforceable because they are not required under the Act or under any of its applicable requirements. These regulations and conditions are not enforceable by the EPA. Citizens may seek equitable or declaratory relief to enforce these regulations and conditions pursuant to Massachusetts General Law Chapter 214, Section 7A.

All other terms and conditions contained in this permit, including any provisions designed to limit a facility's potential to emit, are enforceable by MassDEP, EPA and citizens as defined under the Act.

A Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

## **14. PERMIT TERM**

This permit shall expire on the date specified on the cover page of this permit, which shall not be later than the date 5 years after issuance of this permit. Permit expiration terminates the permittee's right to operate the facility's emission units, control equipment or associated equipment covered by this permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

## **15. PERMIT RENEWAL**

Upon MassDEP's receipt of a complete and timely application for renewal, this facility may continue to operate subject to final action by MassDEP on the renewal application.

In the event MassDEP has not taken final action on the operating permit renewal application prior to this permit's expiration date, this permit shall remain in effect until MassDEP takes final action on the renewal application, provided that a timely and complete renewal application has been submitted in accordance with 310 CMR 7.00: Appendix C(13).

## **16. REOPENING FOR CAUSE**

This permit may be modified, revoked, reopened, and reissued, or terminated for cause by MassDEP and/or EPA. The responsible official of the facility may request that MassDEP terminate the facility's operating permit for cause. MassDEP will reopen and amend this permit in accordance with the conditions and procedures under 310 CMR 7.00: Appendix C(14).

The filing of a request by the permittee for an operating permit revision, revocation and reissuance, or termination, or a notification of a planned change or anticipated noncompliance does not stay any operating permit condition.

## **17. DUTY TO PROVIDE INFORMATION**

Upon MassDEP's written request, the permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall furnish to MassDEP copies of records that the permittee is required to retain by this permit.

## **18. DUTY TO SUPPLEMENT**

The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after the date a complete renewal application was submitted but prior to release of a draft permit.

The permittee shall promptly, on discovery, report to MassDEP a material error or omission in any records, reports, plans, or other documents previously provided to MassDEP.

## **19. TRANSFER OF OWNERSHIP OR OPERATION**

This permit is not transferable by the permittee unless done in accordance with 310 CMR 7.00: Appendix C(8)(a). A change in ownership or operation control is considered an administrative permit amendment if no other change in the permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between current and new permittee, has been submitted to MassDEP.

## **20. PROPERTY RIGHTS**

This permit does not convey any property rights of any sort, or any exclusive privilege.

## **21. INSPECTION AND ENTRY**

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized representatives of MassDEP, and EPA to perform the following:

- (a) enter upon the permittee's premises where an operating permit source activity is located or emissions-related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times any substances or parameters for the purpose of assuring compliance with the operating permit or applicable requirements as per 310 CMR 7.00 Appendix C(3)(g)(12).

## **22. PERMIT AVAILABILITY**

The permittee shall have available at the facility, at all times, a copy of the materials listed under 310 CMR 7.00: Appendix C(10)(e) and shall provide a copy of the permit, including any amendments or attachments thereto, upon request by MassDEP or EPA.

### **23. SEVERABILITY CLAUSE**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

### **24. EMERGENCY CONDITIONS**

The permittee shall be shielded from enforcement action brought for noncompliance with technology based<sup>1</sup> emission limitations specified in this permit as a result of an emergency<sup>2</sup>. In order to use emergency as an affirmative defense to an action brought for noncompliance, the permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (a) an emergency occurred and that the permittee can identify the cause(s) of the emergency;
- (b) the permitted facility was at the time being properly operated;
- (c) during the period of the emergency, the permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
- (d) the permittee submitted notice of the emergency to MassDEP within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

If an emergency episode requires immediate notification to the Bureau of Waste Site Cleanup/Emergency Response immediate notification to the appropriate parties should be made as required by law.

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<sup>1</sup> Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

<sup>2</sup> An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

## **25. PERMIT DEVIATION**

Deviations are instances where any permit condition is violated and not reported as an emergency pursuant to section 24 of this permit. Reporting a permit deviation is not an affirmative defense for action brought for noncompliance. Any reporting requirements listed in Table 6 of this Operating Permit shall supercede the following deviation reporting requirements, if applicable.

The Permittee shall report to MassDEP the following deviations from permit requirements, by telephone or fax, within three (3) days of discovery of such deviation:

- Unpermitted pollutant releases, excess emissions or opacity exceedances measured directly by CEMS/COMS, by EPA reference methods or by other credible evidence, which are ten percent (10%) or more above the emission limit.
- Exceedances of parameter limits established by your Operating Permit or other approvals, where the parameter limit is identified by the permit or approval as surrogate for an emission limit.
- Exceedances of permit operational limitations directly correlated to excess emissions.
- Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, your Operating Permit, or other approvals.
- Failure to perform QA/QC measures as required by your Operating Permit or other approvals for instruments that directly monitor compliance.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the Massachusetts Department of Environmental Protection Bureau of Waste Prevention Air Operating Permit Reporting Kit, which is available to the Permittee via MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm>. This report shall include the deviation, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and the corrective actions or preventative measures taken.

Deviations that were reported by telephone or fax within 3 days of discovery, said deviations shall also be submitted in writing via the Operating Permit Deviation Report to the regional Bureau of Waste Prevention within ten (10) days of discovery. For deviations, which do not require 3-day verbal notification, follow-up reporting requirements are satisfied by the documentation required in the aforementioned Semi-Annual Monitoring Summary and Certification.

## **26. OPERATIONAL FLEXIBILITY**

The permittee is allowed to make changes at the facility consistent with 42 U.S.C. §7401, §502(b)(10) not specifically prohibited by the permit and in compliance with all applicable requirements provided the permittee gives the EPA and the Department written notice fifteen days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(h) and (i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C(7)(a) and will be appended to the facility's permit. The permit shield allowed for at 310 CMR 7.00: Appendix C(12) shall not apply to these changes. "

## **27. MODIFICATIONS**

- (a) Administrative Amendments - The permittee may make changes at the facility which are considered administrative amendments pursuant to 310 CMR 7.00: Appendix C(8)(a)1., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(b).
- (b) Minor Modifications - The permittee may make changes at the facility which are considered minor modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)2., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(d).
- (c) Significant Modifications - The permittee may make changes at the facility which are considered significant modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)3., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(c).
- (d) No permit revision shall be required, under any approved economic incentives program, marketable permits program, emission trading program and other similar programs or processes, for changes that are provided in this operating permit. A revision to the permit is not required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program under Title IV of the Act, provided that such increases do not require an operating permit revision under any other applicable requirement.

## **28. LEGEND OF ABBREVIATED TERMS IN OPERATING PERMIT**

Not all abbreviations are present in every Operating Permit

10<sup>6</sup> Btu/hr–1,000,000 Btu per hour  
CEM–continuous emission monitor  
CGA–cylinder gas audit  
the Chart–the Ringelmann Scale for grading the density of smoke  
CO–carbon monoxide  
CO<sub>2</sub>–carbon dioxide  
COM–continuous opacity monitor  
DAS–data acquisition system  
EPA or USEPA –Environmental Protection Agency  
EU – Emission Unit  
FMF FAC. NO.–Facility Master File Number  
FMF RO NO.–Facility Master File Regulated Object Number  
ft<sup>3</sup>–cubic feet  
HHV–higher heating value  
hr–hour  
ISO–Represents 59°F, 60% Relative Humidity, 29.92 Inches Mercury At Sea Level  
lb–pound  
lb/MMBtu–pounds per million British thermal units  
MMBtu/hr–million British thermal units per hour  
MW–megawatt (1,000,000 watts)  
N/A – Not Applicable  
ng–natural gas  
NH<sub>3</sub>–ammonia  
NO<sub>x</sub>–nitrogen oxides  
PLT ID–Plant Identification  
PM–particulate matter  
ppm–parts per million  
ppmvd–parts per million (by volume, dry)  
PTE–potential to emit  
RATA–relative accuracy test audit  
SO<sub>2</sub>–sulfur dioxide  
tpy–tons per year  
VOC–volatile organic compound



## **APPEAL CONDITIONS FOR OPERATING PERMIT**

This permit is an action of MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing within 21 days of issuance of this permit. In addition, any person who participates in any public participation process required by the Federal Clean Air Act, 42 U.S.C. §7401, §502(b)(6) or under 310 CMR 7.00: Appendix C(6), with respect to the MassDEP's final action on operating permits governing air emissions, and who has standing to sue with respect to the matter pursuant to federal constitutional law, may initiate an adjudicatory hearing pursuant to Chapter 30A, and may obtain judicial review, pursuant to Chapter 30A, of a final decision therein.

If an adjudicatory hearing is requested, the facility must continue to comply with all existing federal and state applicable requirements to which the facility is currently subject, until a final decision is issued in the case or the appeal is withdrawn. During this period, the application shield shall remain in effect, and the facility shall not be in violation of the Act for operating without a permit.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the permit is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to The Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

The Commonwealth of Massachusetts  
Department of Environmental Protection  
P.O. Box 4062  
Boston, MA 02211

The request will be dismissed if the filing fee is not paid unless the appellant is exempt or granted a waiver as described below.

The filing fee is not required if the appellant is a city or town (or municipal agency) county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

MassDEP may waive the adjudicatory hearing-filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.